

REMARKS

In a Final Office Action mailed June 27, 2006, claims 1-3, 5-6, 9-13 and 17-18 were rejected under 35 U.S.C. §102(b) as being anticipated by Cook (U.S. Patent No. 5,621,892); claims 26-34 and 42-44 were rejected under 35 U.S.C. §102(c) as being anticipated by Elliott (U.S. Patent No. 6,509,830); claims 45 and 50-51 were rejected under 35 U.S.C. §102(b) as being anticipated by Dev; claims 3-4, 7-8 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Cook in view of Elliott; and claims 46-49 and 52 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dev in view of Elliott. Applicants respectfully traverse and request reconsideration.

Claims 1-3, 5-6, 9-13 and 17-18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Cook. As an initial matter, Applicants respectfully note that claim 3 has also been rejected under 35 U.S.C. §103(a) as being unpatentable over Cook in view of Elliott, and an explanation of the rejection of claim 3 only appears with respect to the §103(a) rejection. If any rejection of claim 3 is maintained notwithstanding the remarks below, Applicants respectfully request clarification as to the grounds of rejection being relied upon.

Regarding claims 1, 5, 9 and 17, Applicants respectfully submit that Cook fails to teach, among other things, a computer architecture for tracking a plurality of objects. Cook is directed to a computer system in which a server containing event management software, which is analogous to the claimed computer architecture, receives alerts sent by other (i.e., client) computers on the network (see Cook's Abstract, among other portions). No objects distinct from the clients are tracked, as required by the claims and as described in the instant specification, paragraph [0006], third sentence, which clearly sets forth a difference between objects and clients:

“The tracking manager, in turn, communicates with one or more clients and provides event information and alert information regarding the plurality of objects.” (emphases added)

In addition, Cook fails to teach a computer architecture that is coupled to a status tracking structure that provides event information regarding at least a portion of the plurality of objects. As noted above, the client computers on the network send alert information that is received by the server. Thus, in Cook, event information as claimed is not sent, and the information that does get sent is actually sent by the client computers, not any status tracking structure.

Further, Cook fails to teach a computer architecture comprising an event table for storing event information. Applicants respectfully submit that the cited portions of Cook actually describe an alert table for storing alerts, and that the Office Action admits this in the rejection of claim 17 by making the same citations with respect to claim limitations requiring an alert table. Applicants respectfully submit that an event table is not the same as an alert table and that Cook fails to teach an event table because Cook’s event management software only receives alerts from the computers or devices.

Further still, Applicants respectfully submit that Cook fails to teach, within a computer architecture, a rule execution component, coupled to an event table, that processes event information in accordance with at least one rule, as required by the claims. The cited portions of Cook actually teach: that alert generator software is provided within each client computer or device in which alerts can be generated (col. 4, lines 10-15); that there is a logical interconnection between the computers’ alert generators and the event management software, and that a wide variety of alert types are possible (col. 4, lines 32-40); and the details of the process through which each computer’s application logic registers alerts with the alert generator on the event management software (col. 7, lines 55-65). That is, in Cook, all alerts are generated not within the server that contains event management software, but within the client computers

on the network. Accordingly, no event information is processed in accordance with any rules in Cook's event management software.

Moreover, specifically with regard to claim 1, Applicants respectfully submit that in view of the above remarks, Cook also necessarily fails to teach a computer architecture comprising an event engine component that causes the processing of event information in accordance with at least a portion of at least one rule, as claimed. Likewise, Cook cannot teach a computer architecture comprising a configuration engine component that causes such processing to occur periodically, as required by claim 5; nor does Cook teach a rule storage component in a computer architecture, as required by claim 9.

For at least the reasons presented above, Applicants respectfully submit that Cook fails to anticipate claims 1, 5, 7 and 19, which claims are therefore in suitable condition for allowance.

Applicants also note that claims 2-3, 6, 10-13 and 18 are dependent upon independent claim 1 (claims 2-3), claim 5 (claim 6), claim 9 (claims 10-13) and claim 17 (claim 18). Because claims 2-3, 6, 10-13 and 18 incorporate the limitations of the independent claims from which they depend, Applicants respectfully submit that Cook fails to anticipate claims 2-3, 6, 10-13 and 18, which claims are therefore in suitable condition for allowance.

Claims 26-34 and 42-44 stand rejected under 35 U.S.C. §102(e) as being anticipated by Elliott. Regarding claim 26, Applicants respectfully submit that Elliott fails to disclose the claimed "alert controller" in the client device that periodically requests alerts from a tracking manager based on configuration information provided by the tracking manager. The Office Action cites col. 11, lines 59-67 and col. 12, lines 1-5 as allegedly teaching these limitations. However, Applicants respectfully submit that these portions merely describe that alarm information may be requested by the subscriber device (i.e., client device) in response to

subscriber (i.e., user) input (col. 11, lines 64–65). Elliott does not teach that the tracking server (analogous to the tracking manager in the instant invention) provides configuration information to each subscriber device, and as such does not teach that each subscriber device periodically requests alarm information from the tracking server based on such configuration information. As such, Applicants respectfully submit that Elliott fails to anticipate claim 26, which claim is therefore in suitable condition for allowance.

Regarding claims 30 and 42, Applicants respectfully submit that Elliott fails to teach anything concerning rules that test for non-optimal use of one or more tracked objects. As noted in the instant specification, paragraphs [0001] and [0002], the present invention addresses the need for greater business intelligence in the context of tracking the status and use of a company's assets. In particular, one of the problems addressed is the non-optimal use of business assets. A solution to this problem is provided by utilizing rules in the tracking manager that test for such non-optimal use of business assets in response to received event information. As further noted in paragraph [0005], the resulting business intelligence should be customizable to industry-specific applications. Examples, which are not to be construed as limitations, of rules that accomplish these goals may be those that detect if a trucking company's empty trailer has been allowed to sit too long or if multiple, partially-full trailers have been sent to the same place within a relatively short period of time (Specification, paragraph [0016], second and third sentences). Other examples, in the context of an air cargo shipping company, are provided in paragraph [0036]. Elliott is directed to a system that tracks a communication device and monitors alarm occurrences for the device based on location and sensor information associated with the device. For example, the portions of Elliott cited as teaching at least one rule that tests for non-optimal use of one or more tracked objects actually teach: testing whether a tracked device is outside of

a geographic area that is permissible within a given time period, and testing whether a device is moving too quickly (col. 10, lines 30-49); and transmitting an alarm event notification from the tracked device to the tracking server if the tracked device determines that its location and sensor data violate their allowed values, which alarm event notification may then be stored in a database and transmitted to subscriber devices (col. 11, lines 4-15). The instant invention is considerably more advanced than the system of Elliott in that the claimed rules require more complex analysis (for example, requiring information that may span one or more tracked devices) as noted by the exemplary rules cited above. Accordingly, Applicants respectfully submit that Elliott fails to anticipate claims 30 and 42, which claims are therefore in suitable condition for allowance.

Applicants also note that claims 27-29, 31-34 and 43-44 are dependent upon independent claim 26 (claims 27-29), claim 30 (claims 31-34) and claim 42 (claims 43-44). Because claims 27-29, 31-34 and 43-44 incorporate the limitations of the independent claims from which they depend, Applicants respectfully submit that Elliott fails to anticipate claims 27-29, 31-34 and 43-44, which claims are therefore in suitable condition for allowance.

Claims 45 and 50-51 stand rejected under 35 U.S.C. §102(b) as being anticipated by Dev. As an initial matter, Applicants respectfully note that the rejection of independent claim 50 in the present Office Action is made on grounds identical to those made in the previous Office Action. Notwithstanding these identical grounds, the “Response to Arguments” section of the present Office Action states only that Applicants’ arguments are moot in view of the new ground(s) of rejection. However, Applicants note the instruction of M.P.E.P. §707.07(f), ¶3, that:

“Where the applicant traverses any rejection, the examiner should, if he or she repeats this rejection, take note of the applicant’s argument and answer the substance of it.”

Applicants respectfully submit that, because the instant Office Action has been made final without a response to the merits of the previous remarks, the grounds of rejection have not been

fully considered. Accordingly, Applicants respectfully request, should the rejection be maintained, that the finality of the present Office Action be withdrawn so that Applicants' previous arguments may be fully considered.

In response these grounds of rejection, Applicants respectfully reassert the remarks made in the previous response; namely, that Dev is completely silent as to a tracking manager providing, or a client device receiving, at least one polling interval as presently claimed. The Office Action cites col. 7, lines 25-30 as teaching this limitation. However, Applicants respectfully submit that the cited portion teaches that the virtual network machine, which is not a client device, is what polls a device communication manager at a specified interval. As such, claim 50 is in suitable condition for allowance. Additionally, in rejecting independent claim 45, the Office Action cites the same grounds of rejection as with claim 50, except that the Office Action alleges that the limitation of a client device receiving at least one polling interval from the tracking manager is now taught by col. 9, lines 35-45, in contrast to col. 7, lines 25-30. Applicants respectfully submit that the newly-cited portion of Dev actually teaches that device failure may have a low significance in a site model despite having a high significance in a network device model, and that the software models and model relations are highly flexible and adaptable. No discussion of receiving at least one polling interval from a tracking manager is presented.

In addition, in view of Dev's failure to teach a client receiving at least one polling interval from the tracking manager, Dev also necessarily fails to teach a method in the client device sending an event information request or alert request to the tracking manager based on the at least one polling interval, as further required by claims 45 and 50, respectively. Col. 7, lines 14-20 of Dev, which has been cited as allegedly teaching this limitation, instead teaches that a

model within the virtual network machine requests the device communication manager to poll the network device which corresponds to the model. Nothing is requested by a client device; nor is the request that is taught being performed based on a polling interval. Rather, it is a request to poll, and not at any interval.

Further still, Applicants respectfully note that Dev is directed to a network management system, and does not teach a system for tracking a plurality of objects.

For at least the reasons presented above, Applicants respectfully submit that claims 45 and 50 are in suitable condition for allowance.

Regarding dependent claim 51, Applicants respectfully note that the same grounds of rejection have been presented for this claim as in the previous Office Action. As such, Applicants respectfully reassert the request, made with respect to claim 50, for withdrawal of the finality of the present Office Action. Applicants further respectfully reassert the relevant remarks made in the response to the previous Office Action; namely, that col. 14, lines 51-65 of Dev does not teach the display of a graphic indicative of a number of alerts at each of a plurality of alert levels. Instead, this cited portion teaches the various possible attributes of the multifunction icons used in Dev's system. In addition, other portions of Dev teach the display of alarms, but more specifically, teach only the display of the most severe alarms (col. 8, lines 31-34) and the display of this information in text (FIG. 10). Dev is silent as to the graphic display of a number of alerts at each of a plurality of alert levels. For this reason, and further because claim 51 is dependent upon independent claim 50 and thereby incorporates the limitations of claim 50, Applicants respectfully submit that Dev fails to anticipate claim 51, which claim is therefore in suitable condition for allowance.

Claims 3-4, 7-8 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Cook in view of Elliott. Applicants note that these claims are dependent upon independent claim 1 (claims 3-4), independent claim 5 (claims 7-8) and independent claim 17 (claim 19). As noted above, Cook fails to teach, among other things, a computer architecture for tracking a plurality of objects comprising a rule execution component that processes event information in accordance with at least one rule, wherein the at least one rule tests for non-optimal use of at least one object of the plurality of objects. Also as noted above, Elliott fails to remedy this deficiency of Cook. Accordingly, Applicants respectfully submit that Cook in view of Elliott fails to establish prima facie obviousness of independent claims 1, 5 and 17. Because claims 3-4, 7-8 and 19 depend from these claims as described above, Applicants respectfully submit that Cook in view of Elliott fails to establish prima facie obviousness of claims 3-4, 7-8 and 19. Moreover, as previously noted, Cook is directed to a method and apparatus for handling alerts and events in a computer system, not a system for tracking a plurality of objects. As such, Applicants respectfully submit that a person having ordinary skill in the art would not be motivated to combine Cook with Elliott nor have a reasonable expectation of success (i.e., arriving at the instant invention) upon doing so.

For at least the reasons presented above, Applicants respectfully submit that claims 3-4, 7-8 and 19 are not rendered obvious by the combination of Cook in view of Elliott and are therefore in suitable condition for allowance.

Claims 46-49 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Dev in view of Elliott. Applicants respectfully submit that Elliott fails to teach the additional limitations of claims 46-49 and 52 as alleged. For example, claim 46 requires sending a map data request to the tracking manager and, in response, receiving that map data from the tracking

manager. The portions of Elliott (col. 2, lines 26-28 and col. 5, lines 40-45) cited as teaching this limitation actually teach: receiving location and sensor data associated with a communication device (col. 2, lines 26-28) and a geo-location/sensor record containing information collected from the communication device (col. 5, lines 40-45). Map data, as described in paragraph [0026] of Applicants' Specification, updates the display on a client as its user chooses to view different areas containing the tracked devices. The cited portions of Elliott are silent as to this limitation. As another example, claims 49 and 52 require that the information regarding at least a portion of the event information (claim 49) or information regarding at least a portion of the alerts (claim 52) be received via SOAP-enabled Web Services. Applicants respectfully submit that the Office Action admits Dev does not teach SOAP-enabled Web Services, and fails to provide grounds for alleging that Elliott teaches this matter. Applicants respectfully submit that Elliott is completely silent as to receiving any information via SOAP-enabled Web Services

Applicants also respectfully note that the rejection of claim 52 has been made on grounds identical to those set forth in the previous Office Action. As such, Applicants respectfully reassert the request, made with respect to claim 50, for withdrawal of the finality of the present Office Action. Additionally, the rejections of claims 46-49 have been made on grounds identical to those set forth in the previous Office Action except for the changed citation discussed above with respect to one limitation of independent claim 45. As noted above, this new citation does not teach the subject matter as claimed.

In response to these grounds of rejection, Applicants respectfully reassert the remarks made in response to the previous Office Action; namely, Dev does not teach receiving at least one polling interval from a tracking manager for later use in requesting, from the tracking manager, event information (required by independent claim 45) or information regarding at least

a portion of the alerts stored by the tracking manager (required by independent claim 50), and Elliott also fails to teach these limitations. Accordingly, Dev in view of Elliott fails to establish prima facie obviousness of claims 45 and 50. Applicants note claims 46-49 and 52 are dependent upon independent claims 45 (claims 46-49) and 50 (claim 52) and incorporate the limitations of the claims from which they depend. For this reason, and because Elliott fails to teach the additional limitations of claims 46-49 and 52, Applicants respectfully submit that Dev in view of Elliott fails to establish prima facie obviousness of claims 46-49 and 52. Moreover, as previously noted, Dev is directed to a network management system, and does not teach a system for tracking a plurality of objects. As such, Applicants respectfully submit that a person having ordinary skill in the art would not be motivated to combine Dev with Elliott nor have a reasonable expectation of success (i.e., arriving at the instant invention) upon doing so.

For at least the reasons presented above, Applicants respectfully submit that claims 46-49 and 52 are not rendered obvious by the combination of Dev in view of Elliott and are therefore in suitable condition for allowance.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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